

REMARKS/ARGUMENTS

Applicants respond herein to the Office Action dated May 20, 2009.

Claims 1-20 remain pending in the instant application. Of these, claims 7-20 are withdrawn from consideration pursuant to the Examiner's Restriction Requirement, and Applicants' election. Favorable reconsideration of the application is kindly requested.

Rejection Under 35 U.S.C. §103

Claims 1-6 are rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,187,003 to Buysse, *et al.* ("Buysse"), in view of U.S. Patent No. 5,921,996 to Sherman ("Sherman"). Applicants respectfully traverse the rejection, for at least the following reasons.

Independent claim 1 recites a support clamp for a stapler used during connecting a prosthesis to a vessel by staples, the clamp comprising, *inter alia*, a compensating means for compensating irregularity in the thickness of the walls of the vessel. This feature is neither taught nor suggested by Sherman or Buysse, singly or in combination. In the exemplary embodiment of the present specification, illustrated for example at Fig. 5, and described at page 9, third paragraph of the original specification, a compensating means may comprise a ridge at the free end of one clamping jaw, and a recess at the corresponding free end of a second clamping jaw. This embodiment will be seen as exemplary only, and not limiting on the scope of the compensating means recited in independent claim 1. There is no corresponding compensating structure in either Sherman or Buysse.

Buysse is distinguishable, at least in part, because it does not teach or suggest "each of the pivoting levers is provided with a C-shaped clamping jaw associated with a corresponding proximal end" (See, e.g., Figs. 1-7), as acknowledged by the Office Action. The Office Action looks to Sherman to teach this feature (Office Action, page 2). However, and with reference to Sherman Figs. 2h and 2g, the jaws disclosed by Sherman do not include the recited compensating means for compensating irregularity and thickness of the walls of the vessel. The surgical clamp, according to Sherman, is intended to occlude a blood vessel by sealing the lumen of the vessel around the exterior of an inserted cannula (column 5, lines 65-67). The Sherman clamp is not concerned with support of a blood vessel used during connecting a prosthesis to a vessel by staples.

Therefore, even presuming that there were some apparent reason to combine Buysse and Sherman as proposed in the Office Action, their purported combination does not teach or suggest all features of at least independent claim 1. It remains well settled that in order to establish *prima facie* obviousness of a claimed invention, all claim features must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (CCPA 1974). Therefore, applicants respectfully submit that independent claim 1 is patentably distinguished over Buysse and Sherman taken singly or in any combination.

Dependent claims 2-6 each depend from independent claim 1, and incorporate by reference the features of their underlying independent base claim. These dependent claims are each separately patentable, however, in the interest of brevity, they are submitted as patentable for at least the same reasons as their underlying independent claim 1. Therefore, applicants respectfully submit that the rejection has been obviated, and kindly request favorable reconsideration and withdrawal.

Conclusion

In light of the foregoing, applicants respectfully submit that the instant application is in condition for allowance, and kindly request the Examiner to pass the application on to issue.

THIS CORRESPONDENCE IS BEING
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MM/DJT:ck/lf

Respectfully submitted,



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